

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MICHAEL D. WATSON, JR., in his
official capacity as Secretary of
State and Trustee of the Public
Tidelands Trust**

PLAINTIFF

v.

CAUSE NO. 1:19cv989-LG-RHW

**U.S. ARMY CORPS OF ENGINEERS;
GENERAL TODD T. SEMONITE, in
his official capacity as the
Commanding General of the United
States Army Corps of Engineers;
MISSISSIPPI RIVER COMMISSION;
and GENERAL R. MARK TOY, in his
official capacity as the President-
Designee of the Mississippi River
Commission**

DEFENDANTS

**ORDER GRANTING PLAINTIFF'S MOTION
TO EXTEND JURISDICTIONAL DISCOVERY**

BEFORE THE COURT is the [59] Motion to Extend Jurisdictional Discovery filed by the plaintiff, Michael D. Watson in his official capacity as Secretary of State and Trustee of the Public Tidelands Trust. The plaintiff also asks the Court to compel defendants to appear for depositions prior to the deadline for jurisdictional discovery.

The plaintiff filed this lawsuit seeking injunctive and declaratory relief concerning the defendants' opening of the Bonnet Carré Spillway in 2019. After the defendants filed a Motion to Dismiss for Lack of Jurisdiction, the Court granted the plaintiff's Motion for Jurisdictional Discovery. The Court held that the plaintiff

would be permitted to conduct discovery narrowly tailored to the precise issue of whether the defendants' operation of the Bonnet Carré Spillway in 2019 was within the contemplation of the original Mississippi River and Tributaries Project when adopted or approved. The deadline for completing discovery is currently January 19, 2021.

According to plaintiff, after the defendants stated that they would be unable to appear for depositions on the dates noticed by the plaintiff and expressed an interest in seeking a stay of the case, the plaintiff filed the present Motion seeking an extension of time to conduct jurisdictional discovery as well as an order compelling the defendants to appear for depositions prior to the extended deadline for jurisdictional discovery.

After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that the Motion extending jurisdictional discovery should be granted. The difficulties in conducting discovery during the holidays and the present pandemic alone justify an extension. In addition, the plaintiff has demonstrated that additional difficulties have prevented the completion of jurisdiction discovery within the time allowed.

The Court further finds that all disputes as to the scope, manner, and timing of jurisdictional discovery should be submitted to the United States Magistrate Judge Robert P. Myers, Jr., for immediate resolution.

Finally, the parties are reminded of their duty to confer in good faith in order to resolve scheduling and/or discovery disputes and to complete the limited

discovery needed to address the threshold jurisdiction issue. *See* Fed. R. Civ. P. 1¹, 37(a)(1) and L.U.Civ.R. 37(a).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [59] Motion to Extend Jurisdictional Discovery filed by the plaintiff, Michael D. Watson in his official capacity as Secretary of State and Trustee of the Public Tidelands Trust is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the parties shall submit all disputes as to the scope, manner, and timing of jurisdictional discovery to United States Magistrate Judge Robert P. Myers, Jr., for immediate resolution.

SO ORDERED AND ADJUDGED this the 6th day of January, 2021.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE

¹ The rules of civil procedure are “construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”